

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

David Levi Whitehead # 363127)
(full name) (Register No.))

12-3320-CV-S-RED-P.

Case No. _____

Plaintiff(s).

v.

Oregon County)
George Underwood)
(Full name))
P.O. Box 265, Courthouse, Court Square)
Altam, Missouri 65606)
Defendant(s).

Jury trial Demanded
Defendants are sued in their (check one):

____ Individual Capacity

____ Official Capacity

X Both

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): Missouri Eastern Correctional Center
18701 Old Hwy 66 - Pacific, Missouri 63069

II. Parties to this civil action:
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff David Levi Whitehead Register No. 363127
Address 18701 Old Hwy 66
Pacific, Missouri 63069

B. Defendant George Underwood
P.O. Box 265, Courthouse, Court Square - Altam, Missouri 65606
Is employed as Oregon County Sheriff

For additional plaintiffs or defendants, provide above information in same format on a separate page.

II. B.

Patrick Ledgerwood
Courthouse, Court Square
Alton, Missouri 65606
Oregon County Commissioner

Mike Crawford
Courthouse, Court Square
Alton, Missouri 65606
Oregon County Public Administrator

Kim Hollis
Courthouse, Court Square
Alton, Missouri 65606
Oregon County Treasurer

John Doe
P.O. Box 265, Courthouse, Court Square
Alton, Missouri 65606
Oregon County Sheriff's Department Head Tailer

David P. EVENS
P.O. Box 406 - Courthouse, Court Square
Alton, Missouri 65606
Oregon County Judge

Fred O'well
P.O. Box 406 - Courthouse, Court Square
Alton, Missouri 65606
Oregon County Prosecuting Attorney

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Stephan Ranz
1314 Webster Street
West Plains, Missouri 65775
Missouri State Public Defender

- III. Do your claims involve medical treatment? Yes X No _____
- IV. Do you request a jury trial? Yes X No _____
- V. Do you request money damages? Yes X No _____
- State the amount claimed? \$25 million / _____ (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No _____

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes _____ No X

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes _____ No X

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

N/A

D. If you have not filed a grievance, state the reasons.

I was only there for 4 days and I do not believe they have a administrative or grievance procedure there. The jail only holds 7 inmates at max.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes _____ No X

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes _____ No X

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: N/A
(Plaintiff) (Defendant)

(2) Date filed: N/A

- (3) Court where filed: N/A
- (4) Case Number and citation: N/A
- (5) Basic claim made: N/A
- (6) Date of disposition: N/A
- (7) Disposition: N/A
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: N/A
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

I arrived at Oregon County Jail on May 13, 2011 in a wheelchair. I was booked in and taken back to where the cells are, but came to a door where the wheelchair would not fit through, so they made me get out and hop through the door while they folded my chair and got it through the door, then I got back in my chair and they wheeled me to the end of the hall where the holding/drunken tank is and put me in there and took my wheelchair with them. On 5/14/11 they sprayed the guy next to me with mace. I asked the jailer if I could get a breathing treatment because I was having problems breathing because of the mace and I did not have my inhalers and he told me that he would have to ask the Sheriff, if I could have one, but I never

- B. State briefly your legal theory or cite appropriate authority:

That they are violating handicap peoples right. They violated the Eighth Amendment of the United States Constitution (causing cruel and unusual punishment) and the Fourteenth Amendment of the United States Constitution (were interpreted as protecting citizens from unlawful actions by state officials) and the American with Disabilities Act.

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IX. A.

heard anything back from the jailer. I asked for a shower each day I was there and never got one. I had to hop on my bad ankle to get each meal and to use the restroom.

Before Oregon County even picked me up from the Missouri Department of Corrections, they was informed that I was in a wheelchair. They knew that their jail was not set up to house handicap people in wheelchairs. The Sheriff, Judge, Prosecuting Attorney and my Public Defender all said they did not care and wanted me there in person. When they knew that my case could have been done video Court.

I was transported back to the Missouri Department of Corrections on May 17, 2011.

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.
make it where Oregon County Jail can not house handicap people in wheelchair until the jail is set up for them and the state approve them.
Pay money damages for pain and suffering and mental suffering.

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ___ No ___

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

Roger G. Brown & Associates
216 East McCarty Street
Jefferson City, Missouri 65101-3313

C. Have you previously had a lawyer representing you in a civil action in this court? Yes ___ No X

If your answer is "Yes," state the name and address of the lawyer.

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 27 day of June 2012.

David Whitehead
Signature(s) of Plaintiff(s)

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XI. B.

William D. Steinmeier; P.C.
2031 Tower Drive
Jefferson City, Missouri 65109

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P.O. Box 165317
North Kansas City, MO 64116-5317

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Jefferson City, MO 65109-2545

Brown, Cornwell, Farrow LLC Law Office
601 Monroe Street, Suite 304
Jefferson City, MO 65101-3180

David Whitehead #363127
Missouri Correctional Center 1-A-10

Eastern

18701 Old Hwy 66

Pacific, MO 63069

This correspondence is from an inmate in the custody of the Missouri Department of Corrections. The Department is not responsible for the contents of this correspondence. For information about the Department or to verify information about the offender, please visit our website at www.doc.mo.gov.

Mailed from:
Missouri Eastern
Correctional Center

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2012 JUL -2 PM 1:29
CLERK, U.S. DIST. COURT
WEST DIST. OF MO
KANSAS CITY, MO

"LEGAL MAIL"

U.S. District Court
Office of the Clerk
1510 Whitaker Courthouse
400 E. Ninth Street
Kansas City, MO 64106



ST LOUIS MO PDPC 631
THU 28 JUN 2012 PM

